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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/341,101	08/18/1999	LARS ERICSSON	185/054	4745

7590 07/22/2002

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EXAMINER

HERNANDEZ, OLGA

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 07/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/341,101

Applicant(s)

ERICSSON ET AL.

Examiner

Olga Hernandez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 6, 14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diekhans (6,073,070).

As per claims 1 and 14, Diekhans teaches:

- at least one detector equipment placed at a designated place on the working machine in order to determine the position of said place in a fixed coordinate system, and with at least one position relationship device in order to determine the positional relationship of the working part relative to the detector equipment in a machine-based coordinate system (figure 7), and
- a calculating device which with signals from the position-determining apparatus and the positional relationship device calculates the position of the working part in the fixed coordinate system (column 1, lines 60-66), characterized in that the position-determining apparatus comprises:
 - o an inclination and orientation measuring devices so that the apparatus instantaneously measures both the position as well as the orientation of

- the place on the working machine in the fixed coordinate system (column 3, lines 17-20 and column 6, lines 13-15, 53-56), and
- the calculating device that converts the measuring result from the position-determining apparatus and the positional relationship device in order to give the instantaneous position and/or orientation of the working part in the fixed coordinate system (column 2, lines 60-67 and column 3, lines 1-10).

Even though Diekhans does not clearly show the use of a fixed coordinate system; it is understood that any GPS system has its availability in the market. Therefore, it would have been more than obvious to one of ordinary skill in the art to know/use/apply it to any navigation system.

As per claims 3, 6 and 19, Diekhans teaches the same claimed by the applicant (figure 7).

3. Claims 4, 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diekhans (6,073,070) in view of Ford (6,211,821).

As per claims 4, 7 and 15, Diekhans does not teach the north-seeking/target unit. However, Ford teaches it in column 1, line 20. Therefore, it would have been obvious to one of ordinary skill in the art to combine the aforementioned inventions in order to enhance the system

4. Claims 5, 8, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diekhans (6,073,070) in view of Johnson (5,606,444).

As per claims 5, 8, 18 and 20, Diekhans does not teach the optical unit aligns itself towards the stationary measuring station with help. However, Johnson teaches it in column 2,

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lines 5-15. Therefore, it would have been obvious to one of ordinary skill in the art to combine the aforementioned inventions in order to enhance the system.

5. Claims 9 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diekhans (6,073,070) in view of Schupfner (6,374,190).

As per claims 9 and 22, Diekhans does not teach how to calculate the angular position relative to the map. However, Schupfner teaches it in column 1, lines 17-25. Therefore, it would have been obvious to one of ordinary skill in the art to combine the aforementioned inventions in order to enhance the system.

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Diekhans (6,073,070) in view of Johnson (5,606,444), further in view of Ford (6,211,821).

As per claim 21, neither, Diekhans nor Johnson teaches the north-seeking/target unit. However, Ford teaches it in column 1, line 20. Therefore, it would have been obvious to one of ordinary skill in the art to combine the aforementioned inventions in order to enhance the system.

7. Claims 10 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diekhans (6,073,070) in view of Ethridge (5,798,733).

As per claims 10 and 23, Diekhans does not teach the accurate device that at time intervals measure the actual position of the vehicle. However, Ethridge teaches it in column 2, lines 17-23. Therefore, it would have been obvious to one of ordinary skill in the art to combine the aforementioned inventions in order to enhance the system.

8. Claims 11 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diekhans (6,073,070) in view of Ethridge (5,798,733), further in view of Vanderwerf (5,774,832).

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As per claims 11 and 24, neither Diekhans nor Ethridge teaches how to calculate the vehicle acceleration and how to integrate the acceleration. However, Vanderwerf teaches it in column 1, lines 10-16. Therefore, it would have been obvious to one of ordinary skill in the art to combine the aforementioned inventions in order to enhance system.

9. Claims 12 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diekhans (6,073,070) in view of Ethridge (5,798,733), further in view of Yamada et al (5,974,675).

As per claims 12 and 25, neither Diekhans nor Ethridge teaches what is stated by the applicant. However, Yamada teaches it in the abstract. Therefore, it would have been obvious to one of ordinary skill in the art to combine the aforementioned inventions in order to enhance the system.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Regarding claims 2 and 15, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

12. Regarding claims 7 and 20, the phrase "e.g." renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

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13. Claims 4, 13, 17, 18 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 4 and 17, "it" does not define the meets and bounds of the invention.

As per claims 13 and 26 it is unclear what is stated by the applicant.

14. **Please verify all the claims for 112 problems.**

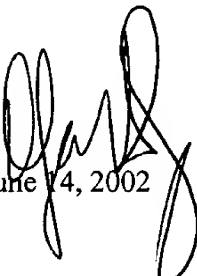
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga Hernandez whose telephone number is (703) 305-0918.


The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on (703) 308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


June 14, 2002

Olga Hernandez
Examiner
Art Unit 3661


WILLIAM A. CUCHLINSKI, JR.
SUPERVISORY PATENT EXAMINER
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